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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,297	12/21/2001	Christiaan M. H. Mets	I20 01628 US	8095
128	7590	09/02/2005	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			BHAT, ADITYA S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

Office Action Summary	Application No. 10/026,297	Applicant(s) METS ET AL.	
	Examiner Aditya S. Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Madore et al. (USPN 5,909,672).

With regards to claim 44, Madore et al. (USPN 5,909,672) teaches a method for using a computer to access data of a process that is stored in a memory, said method comprising:

(a) generating an access request that is based on a data structure that comprises a plurality of activities of said process, one or more attributes of a first one of said activities, and one or more attributes of a second one of said activities, wherein said second activity is framed at least in part by said first activity, (col. 14-15, lines 60-67 & 1-12) (figures 11a-d) and

(b) in response to said access request, using said data structure to access said memory to retrieve activity data of said second activity. (50;figure 4) (Col 5 lines 3-4)

With regards to claim 12, Madore et al. (USPN 5,909,672) teaches, (a) and (b) utilize a data structure that comprises an identity and a plurality of activity attributes for each of said first and second activities. (Col.10, lines 39-42)

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With regards to claim 13 Madore et al. (USPN 5,909,672) teaches, activity attributes are selected from the group consisting of: start time, end time and item used in said process. (Col.1, lines 45-47)

With regards to claim 14 Madore et al. (USPN 5,909,672) teaches, activity attributes have an attribute value selected from the group consisting of: date and/or time and device of said equipment used in said process. (Col.15, lines 1-4)

With regards to claim 15 Madore et al. (USPN 5,909,672) teaches, at least one of said attribute values of said second activity matches at least one of said attribute values of said first activity. (Col.15, lines 1-7)

With regards to claim 16 Madore et al. (USPN 5,909,672) teaches, step (b) identifies said second activity with a reference selected from the group consisting of: time based reference with respect to said first interval, direct reference to said first activity and indirect reference to said first activity. (Col.15, lines 1-4)

With regards to claim 17 Madore et al. (USPN 5,909,672) teaches, all sub-activities are retrieved that are framed at least in part by said first interval.

With regards to claim 18 Madore et al. (USPN 5,909,672) teaches, direct reference directly refers to said first activity. (Col.15, lines 1-7)

With regards to claim 19 Madore et al. (USPN 5,909,672) teaches, indirect reference includes a reference to an item used by said process during said first activity. (Col.15, lines 1-7)

With regards to claim 45 Madore et al. (USPN 5,909,672) teaches computer apparatus for accessing data that is stored in a memory, said computer apparatus comprising:

a processor (28 figure 1) and a framing program that generates an access request that is based on a data structure that comprises a plurality of activities of said process, one or more attributes of a first one of said activities, and one or more attributes of a second one of said activities, wherein said second activity is framed at least in part by said first activity, and wherein said processor in response to said access request, uses said data structure to access said memory to retrieve activity data of said second activity. (Col. 7, lines 65-67 & 1-2)

With regards to claim 22 Madore et al. (USPN 5,909,672) teaches, activity attributes are selected from the group consisting of: start time, end time and item used in said process. (Col.1, lines 45-46)

With regards to claim 23 Madore et al. (USPN 5,909,672) teaches, activity attributes have an attribute value selected from the group consisting of: date and/or time and device of said equipment used in said process. (Col. 15, lines 1-4)

With regards to claim 24 Madore et al. (USPN 5,909,672) teaches, attribute values of said second activity matches at least one of said attribute values of said first activity. (Col.15, lines 1-7)

With regards to claim 25 Madore et al. (USPN 5,909,672) teaches, second means identifies said second activity with a reference selected from the group

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consisting of: time based reference with respect to said first interval, direct reference to said first activity and indirect reference to said first activity. (Col. 10, lines 39-42)

With regards to claim 26 Madore et al. (USPN 5,909,672) teaches, time based reference is with respect to said first interval, and wherein all sub-activities are retrieved that are framed at least in part by said first interval. (Col.15, lines 1-4)

With regards to claim 27 Madore et al. (USPN 5,909,672) teaches, direct reference directly refers to said first activity. (Col.15, lines 1-4)

With regards to claim 28 Madore et al. (USPN 5,909,672) teaches, indirect reference includes a reference to an item used by said process during said first activity. (Col.15, lines 1-7)

With regards to claims 34 and 40 Madore et al. (USPN 5,909,672) teaches a computer apparatus and method for accessing data of a process, said apparatus comprising:

a processor (28; figure 1) and an activity framing (figure 11a -d) program that responds to input data entered by a user to define a data structure,

wherein said activity framing program responds to said input data to define said data structure with a plurality of activities of said process, at least a first attribute of a first one of said activities, and at least one attribute of a second one of said activities, wherein said second activity is framed at least in part by said first activity, (Col. 7, lines 65-67 & 1-2) and

wherein said framing program further responds to a request that identifies said first activity and said first attribute of said first activity by using said data structure to

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access said data of said process to retrieve activity data of said second activity. (Col. 7, lines 65-67 & 1-2)

With regards to claims 35 and 41 Madore et al. (USPN 5,909,672) teaches first attribute of said first activity has an attribute value that is linked to said second activity, and wherein said request additionally identifies said attribute value. (Col. 1 lines 60-63)

With regards to claims 36 and 42 Madore et al. (USPN 5,909,672) teaches, first attribute identifies an item used in said process and said attribute value identifies a device that is associated with said item and that is linked to said second activity. (Col. 1, lines 60-63)

With regards to claim 37 Madore et al. (USPN 5,909,672) teaches, first activity further comprises a second attribute, and wherein said first and second attributes define start and end times of said first activity, respectively. (Col. 1 lines 45-47)

With regards to claim 38 Madore et al. (USPN 5,909,672) teaches, activity data is stored in a database. (28,64; figure 1)

With regards to claim 39 Madore et al. (USPN 5,909,672) teaches, data structure is stored in one of said database and a separate memory. (28,64; figure 1)

With regards to claim 43 Madore et al. (USPN 5,909,672) teaches, a memory media for controlling a computer to process data of a process, said memory media comprising:

program instructions of an activity framing program for controlling a computer in response to input data entered by a user to define a data structure, wherein said activity framing program responds to said input data to define said data structure with a plurality

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of activities of said process, at least a first attribute of a first one of said activities, and at least one attribute of a second one of said activities, wherein said second activity is framed at least in part by said first activity, and wherein said framing program further responds to a request that identifies said first activity and said first attribute of said first activity by using said data structure to access said data of said process to retrieve activity data of said second activity. (Col. 7, lines 65-67 & 1-2)

With regards to claim 46 Madore et al. (USPN 5,909,672) teaches, memory media for controlling a computer to access data of a process, said memory media comprising:

program instructions of an activity framing program for controlling a computer to generate an access request that is based on a data structure that comprises a plurality of activities of said process, one or more attributes of a first one of said activities, and one or more attributes of a second one of said activities, wherein said second activity is framed at least in part by said first activity, and wherein said program instructions cause said computer to respond to said access request by using said data structure to access said memory to retrieve activity data of said second activity. (Col. 7, lines 65-67 & 1-2)

Response to Arguments

Applicant's arguments filed 06 June 2005 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 12-46 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification."

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Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Previously examiner had stated that the Madore reference did not teach having a second activity is framed at least in part by said first activity upon further consideration the Madore reference is believed to include the above mentioned claim limitations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hardage et al (USPUB 2004/0141420) teaches a system and method for monitoring performance of downhole equipment using fiber optic based sensors and Thrasher et al. (USPN 5,941,305) teaches a real time pump optimization system.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is ~~703-872-9306~~ ⁵⁷¹⁻²⁷³⁻⁸³⁰⁰.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
August 29, 2005

BRYAN BUI
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Bryan Bui', with a stylized flourish at the end.